

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

## ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Robert E. Bacharach entered April 29, 2009 [Doc. No. 37] and Plaintiff's Objection to the Report and Recommendation ("Motion to Object to Report and Recommendation") filed May 4, 2009. Doc. No. 42. Plaintiff makes no substantive objection to the Report and Recommendation. He merely questions how Defendant Judge Tammy Bass-Jones Lesure can "be allowed to violate the rules of the U.S. Supreme Court" and suggests that the Magistrate Judge should have ordered the Defendant to respond to Plaintiff's Complaint rather than finding an avenue for relief from her default.

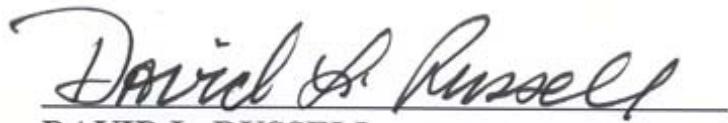
Although Judge Lesure did not timely respond to Plaintiff's Complaint, as the Magistrate Judge explained, the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a)(1), prohibits the entry of default judgment in a prisoner's suit under federal law where no "reply" [answer or motion to dismiss] has been filed. *See* Report and Recommendation at pp. 4-5.

Accordingly, the Magistrate Judge correctly recommended that Plaintiff's motions for default judgment be denied.

Because judges are absolutely immune from suits for monetary relief for acts committed within the scope of their judicial duties and Judge Lesure was clearly so acting when she denied Plaintiff's motion for post-conviction relief, Plaintiff's Complaint must be summarily dismissed with prejudice, upon screening pursuant to 28 U.S.C. § 1915A(a) & (b)(2).

In accordance with the foregoing, the Report and Recommendation of the Magistrate Judge is ADOPTED in its entirety, Plaintiff's motions for default judgment are DENIED and Plaintiff's Complaint is summarily DISMISSED with prejudice.

IT IS SO ORDERED this 6th day of May, 2009.



DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE